

SENATE BILL No. 249

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-12; IC 23-13-18-4.

Synopsis: Faculty member on university boards. Adds a nonvoting faculty member to the board of trustees of state supported colleges and universities. Establishes a procedure for the election of the board members by the faculty every three years.

Effective: July 1, 2004.

Server

January 8, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 249

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-12-23-2, AS AMENDED BY P.L.115-2002,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 2. (a) The board of trustees of the state university
4 shall be ~~nine (9)~~ **ten (10)** in number.

5 (b) This subsection does not apply to the student trustee appointed
6 under IC 20-12-24-3.5 **and the nonvoting faculty trustee elected**
7 **under IC 20-12-24-3.6.** Not more than:

8 (1) one (1) of the trustees elected under IC 20-12-24-2; and

9 (2) two (2) of the trustees appointed under IC 20-12-24-3;
10 may reside in the same county.

11 (c) The trustees and their successors shall be a body politic, with the
12 style of "The Trustees of Indiana University"; in that name to sue and
13 be sued; to elect one (1) of their number president; to elect a treasurer,
14 secretary, and such other officers as they may deem necessary, to
15 prescribe the duties and fix the compensation of such officers; to
16 possess all the real and personal property of such university for its
17 benefit; to take and hold, in their corporate name any real or personal

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property for the benefit of such institution; to expend the income of the university for its benefit; to declare vacant the seat of any trustee who shall absent himself from two (2) successive meetings of the board, or be guilty of any gross immorality or breach of the bylaws of the institution; to elect a president, such professors and other officers for such university as shall be necessary, and prescribe their duties and salaries; to employ other persons as necessary; to establish programs of fringe benefits and retirement benefits for the university's officers, faculty, and other employees that may be supplemental to or in lieu of state retirement programs established by statute for public employees; to prescribe the course of study and discipline and price of tuition in such university; and to make all bylaws necessary to carry into effect the powers hereby conferred.

SECTION 2. IC 20-12-23-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. ~~Five (5)~~ **Six (6)** of such trustees shall constitute a quorum; and, in case an emergency is declared by the faculty, after there shall have been a called session, at which the other members failed to attend, the three **(3)** trustees residing in the county of Monroe may fill vacancies in the faculty of the university and the board of trustees; and, in case there should not be three (3) trustees in attendance upon such emergency, then those that are in attendance, together with such members of the faculty as may be in attendance, shall fill such vacancies; but appointments thus made shall expire at the next meeting of the board.

SECTION 3. IC 20-12-24-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 3.6. One (1) member of the board of trustees shall:**

- (1) be a member of the faculty of Indiana University who holds the rank of assistant professor or higher;**
- (2) be elected under IC 20-12-64.5 by secret ballot by all Indiana University employees who hold the rank of assistant professor or higher;**
- (3) serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous faculty trustee;**
- (4) be eligible for reelection as faculty trustee if the person remains a member of the faculty of Indiana University; and**
- (5) not be entitled to vote as a member of the board of trustees or participate in an executive session concerning a member of the faculty.**

SECTION 4. IC 20-12-37-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The board of trustees of Purdue University shall consist of ~~ten (10)~~ **eleven (11)** members, to be appointed **or elected** for such term of service and in such manner as is herein provided, and that the terms of all trustees shall terminate on the first day of July of the year in which their terms of office expire.

SECTION 5. IC 20-12-37-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. **(a)** The governor of the state of Indiana shall appoint ten (10) trustees for Purdue University for the term beginning on the first day of July, which trustees and their successors shall be appointed as hereinafter provided. **In addition, one (1) nonvoting member of the Purdue University board of trustees shall be elected under subsection (b).**

(b) One (1) member of the board of trustees shall:

- (1) be a member of the faculty of Purdue University who holds the rank of assistant professor or higher;**
- (2) be elected by secret ballot by the Purdue University faculty senate;**
- (3) serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous faculty trustee;**
- (4) be eligible for reelection as faculty trustee if the person remains a member of the faculty of Purdue University; and**
- (5) not be entitled to vote as a member of the board of trustees or participate in an executive session concerning a member of the faculty.**

SECTION 6. IC 20-12-56-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. **(a)** The Indiana State University board of trustees shall be composed of ~~nine (9)~~ **ten (10)** trustees. The governor shall appoint to the board seven (7) competent persons, one (1) of whom must be a student, and two (2) additional competent persons, alumni of the university, nominated by the alumni council of the university, shall be appointed by the governor. There shall be one (1) or more women on the duly constituted board. **One (1) nonvoting member of the board of trustees shall be a member of the faculty of Indiana State University elected under subsection (d).**

(b) All trustees and their successors shall be appointed for terms of four (4) years, except:

- (1) the student member, who shall be appointed for two (2) years during which time ~~he~~ the member must be a full-time student of Indiana State University; and**
- (2) the faculty member, who shall be elected for a term of three (3) years.**

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(c) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least ten (10) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

(d) **One (1) member of the board of trustees shall:**

(1) be a member of the faculty of Indiana State University who holds the rank of assistant professor or higher;

(2) be elected under IC 20-12-64.5 by secret ballot by all Indiana State University employees who hold the rank of assistant professor or higher;

(3) serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous faculty trustee;

(4) be eligible for reelection as faculty trustee if the person remains a member of the faculty of Indiana State University; and

(5) not be entitled to vote as a member of the board of trustees or participate in an executive session concerning a member of the faculty.

(e) All members appointed to the board shall be residents of the state of Indiana and citizens of the United States of America. The alumni members appointed to the board shall have completed a prescribed course of study by Indiana State University or its predecessors, Indiana State Normal School, Indiana State Teachers College, or Indiana State College.

~~(e)~~ **(f) Except as provided by subsection (d),** all vacancies occurring in the board from death, resignation, or removal from the state shall be filled by appointment by the governor for the unexpired term of the retiring member, subject to the provision that the alumni council of the university shall nominate the appointee to fill a vacancy caused by the loss of an alumni member.

SECTION 7. IC 20-12-57.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. ~~(Board of Trustees: Membership)~~ **(a)** The Ball State University board of trustees shall be composed of ~~nine (9)~~ **ten (10)** members, ~~nine (9) of whom shall be~~ appointed by the governor ~~pursuant to the provisions of~~ **under** this

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chapter. **Of the nine (9) members appointed by the governor, six (6) of whom shall be appointed at large, two (2) of whom shall be appointed as alumni of Ball State University, and one (1) of whom shall be appointed as a Ball State University student. One (1) nonvoting member of the board of trustees shall be a member of the faculty of Ball State University elected under subsection (d).**

(b) Within the nonstudent board membership, not more than six (6) shall be of the same sex and not less than one (1) shall be a resident of and reside in Delaware County, Indiana.

(c) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least ten (10) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of under this chapter.

(d) **One (1) member of the board of trustees shall:**

(1) **be a member of the faculty of Ball State University who holds the rank of assistant professor or higher;**

(2) **be elected under IC 20-12-64.5 by secret ballot by all Ball State University employees who hold the rank of assistant professor or higher;**

(3) **serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous faculty trustee;**

(4) **be eligible for reelection as faculty trustee if the person remains a member of the faculty of Ball State University; and**

(5) **not be entitled to vote as a member of the board of trustees or participate in an executive session concerning a member of the faculty.**

SECTION 8. IC 20-12-57.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) ~~With the exception of the student member of the board;~~ **Except as provided in subsection (b) and section 2(d) of this chapter,** all appointments to the board of trustees are for four (4) year terms. Each term of a nonstudent board member begins on January 1 of the appropriate year. Each member shall serve until ~~his~~ **the member's** successor is appointed and qualified.

(b) The student member of the board of trustees who is appointed

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under section 2 of this chapter is appointed for a two (2) year term. ~~His~~
The student member's term begins on July 1 of the year in which ~~he~~
the student is appointed. The student member of the board must be a
 full-time student at Ball State University throughout ~~his~~ **the student**
member's term.

SECTION 9. IC 20-12-57.5-9 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. ~~(Board: Vacancies)~~
Except as provided by section 2(d) of this chapter, all vacancies
 occurring on the board of trustees from death, incapacitation, or
 resignation shall be filled by appointment of the governor for the
 unexpired term. Vacancies in offices held by alumni members shall be
 filled from nominees submitted by the alumni council.

SECTION 10. IC 20-12-61-4, AS AMENDED BY P.L.20-2000,
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2004]: Sec. 4. (a) Ivy Tech shall be governed by a board of
 trustees **who are either** appointed by the governor **under this**
subsection or elected by the faculty of Ivy Tech as a nonvoting
member of the state board under subsection (b). The number of
 members of the state board **appointed under this subsection** must
 equal the number of regions established under section 9 of this chapter.
 Each member of the state board must have knowledge or experience in
 one (1) or more of the following areas:

- (1) Manufacturing.
- (2) Commerce.
- (3) Labor.
- (4) Agriculture.
- (5) State and regional economic development needs.
- (6) Indiana's educational delivery system.

One (1) member of the state board must reside in each region
 established under section 9 of this chapter. **Except for the faculty**
member elected under subsection (b), appointments shall be for three
 (3) year terms, on a staggered basis.

(b) **One (1) nonvoting member of the board of trustees shall:**

- (1) be a member of the faculty of Ivy Tech who holds the rank**
of assistant professor or higher;
- (2) be elected by secret ballot by all Ivy Tech employees who**
hold the rank of assistant professor or higher;
- (3) serve a three (3) year term beginning July 1 or, if a**
vacancy occurs, for the remainder of the unexpired term of
the previous faculty trustee;
- (4) be eligible for reelection as faculty trustee if the person**
remains a member of the faculty of Ivy Tech; and

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(5) not be entitled to participate in an executive session concerning a member of the faculty.

(c) No one who holds an elective or appointed office of the state is eligible to serve as a member of the state board. A member of a regional board may be appointed to the state board, but must then resign from the regional board.

SECTION 11. IC 20-12-61-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **Except as provided by section 4(b) of this chapter**, the governor shall fill all vacancies on the state board. Each trustee appointed to fill a vacancy shall represent the same region as ~~his~~ **the trustee's** predecessor.

(b) If a vacancy occurs on the state board, the regional board for the region in which the former member resided may recommend to the governor one (1) or more qualified persons to fill the vacancy.

SECTION 12. IC 20-12-64-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The board consists of ~~nine (9)~~ **ten (10)** members who shall serve staggered terms of four (4) years. However:

(1) the student member required by subsection (c) shall serve a term of two (2) years; **and**

(2) the nonvoting faculty member elected under subsection (d) shall serve a term of three (3) years.

(b) Each member of the board must be a citizen of the United States and a resident of Indiana.

(c) The board must include at least the following:

(1) One (1) member who is an alumnus of the university or an alumnus of the regional campus.

(2) One (1) member who is a full-time student in good standing enrolled in the university.

(3) One (1) member who is a resident of Vanderburgh County.

(4) One (1) member who is a member of the faculty of the university as provided by subsection (d).

(d) One (1) member of the board of trustees shall:

(1) be a member of the faculty of the University of Southern Indiana who holds the rank of assistant professor or higher;

(2) be elected under IC 20-12-64.5 by secret ballot by all employees of the University of Southern Indiana who hold the rank of assistant professor or higher;

(3) serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous faculty trustee;

(4) be eligible for reelection as faculty trustee if the person

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remains a member of the faculty of the University of Southern Indiana; and

(5) not be entitled to vote as a member of the board of trustees or participate in an executive session concerning a member of the faculty.

SECTION 13. IC 20-12-64-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. **Except as provided by section 7(d) of this chapter**, the governor shall appoint the members of the board. If a vacancy occurs during the term of any member **who was appointed by the governor**, the governor shall appoint an individual to serve the unexpired term of the vacating member.

SECTION 14. IC 20-12-64.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 64.5. Election of Faculty Trustee Members at State Educational Institutions

Sec. 1. As used in this chapter, "committee" refers to a trustee election committee designated or established under section 5 of this chapter.

Sec. 2. As used in this chapter, "faculty organization" refers to the organization in the governance structure of a state educational institution that:

- (1) is composed of faculty members; and
- (2) may include other university personnel who are not faculty members.

Sec. 3. As used in this chapter "faculty trustee member" refers to the member of the faculty who serves on the board of trustees or similarly named governing body of a state educational institution.

Sec. 4. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

Sec. 5. (a) The faculty organization at each state educational institution shall either:

- (1) designate a committee of the faculty organization to act as the trustee election committee under this chapter; or
- (2) establish a separate trustee election committee under subsection (b).

(b) If subsection (a)(2) applies, the faculty organization shall establish a trustee election committee by determining the following:

- (1) The number of members of the committee, which must be at least five (5).

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(2) The qualifications required for members of the committee. However, each member of the committee must be a faculty member at the state educational institution who holds the rank of assistant professor or higher.

(3) The manner of selection and appointment of the following:

(A) Members of the committee.

(B) A chairperson of the committee.

(C) A vice chairperson of the committee.

(4) The length of a member's term of service on the committee.

(5) A method for removing a member from the committee.

(6) A method for filling vacancies on the committee.

(7) Other matters the faculty organization considers necessary and relevant.

Sec. 6. (a) This section applies only to actions of a committee taken under this chapter.

(b) A committee shall meet at the call of:

(1) the chairperson; or

(2) a majority of the members of the committee.

Sec. 7. (a) This section applies only to actions of a committee taken under this chapter.

(b) A quorum for a committee to do business is a majority of the total membership of the committee.

Sec. 8. (a) This section applies only to actions of a committee taken under this chapter.

(b) The affirmative vote of a majority of the members of a committee is required for the committee to take action.

Sec. 9. The committee shall do the following:

(1) Establish procedures for the election of the faculty trustee member. However, the procedures that the committee establishes must meet the requirements of section 10 of this chapter.

(2) Personally conduct the election or make other arrangements for the conduct of the election under the direction of the committee.

(3) Perform other duties related to the election of the faculty trustee member as directed by the faculty organization.

Sec. 10. The following procedures must be observed in the election of the faculty trustee member:

(1) The election must be conducted under the direction of the committee.

(2) The committee must conduct the election in a manner that

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ensures that the person who is elected as a faculty trustee member meets the statutory requirements for the position.

(3) The committee must conduct the election in a manner that assures that the faculty trustee member is elected by all employees of the state educational institution who hold the rank of assistant professor or higher.

(4) The election must be conducted by means of a written ballot designed by the committee.

(5) The election must take place by secret ballot.

(6) The committee must provide for the impartial tabulation of ballots and the reporting of results of the election.

(7) The committee must provide for the safekeeping of the ballots for four (4) years after the election.

SECTION 15. IC 23-13-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The board of trustees of Vincennes University shall consist of ~~ten (10)~~ **eleven (11)** trustees. Nine (9) shall be appointed by the governor, one (1) of whom must be a resident of Knox County and one (1) must be an alumnus of Vincennes. In addition, the governor shall appoint one (1) trustee who is a full-time student of the university during ~~his~~ **the student's** term. **One (1) nonvoting member of the board of trustees shall be a member of the faculty of Vincennes University elected under subsection (d).**

(b) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least five (5) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

(c) There shall be four (4) ex officio members of the board: the president of the university, the superintendent of the Vincennes Community School Corporation, the superintendent of the South Knox School Corporation, and the superintendent of the North Knox School Corporation.

(d) **One (1) member of the board of trustees shall:**

(1) be a member of the faculty of Vincennes University who holds the rank of assistant professor or higher;

(2) be elected under IC 20-12-64.5 by secret ballot by all

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employees of Vincennes University who hold the rank of assistant professor or higher;

(3) serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous faculty trustee;

(4) be eligible for reelection as faculty trustee if the person remains a member of the faculty of Vincennes University; and

(5) not be entitled to vote as a member of the board of trustees or participate in an executive session concerning a member of the faculty.

(e) The term of each appointed trustee shall be for three (3) years, except that of the student appointee, who shall serve a one (1) year term. When a vacancy occurs in the membership of the board of trustees, such vacancy shall be filled by the board for the unexpired term, **except a vacancy of a faculty member, which shall be filled under subsection (d).** The appropriate number of appointive trustees shall be appointed prior to the first Monday of October of each year and that first Monday shall be the first day of their terms.

~~(e)~~ (f) The annual meeting of the board shall be held on the first Monday of October of each year. Special meetings may be called by the president of the board or by any ~~four (4)~~ **five (5)** trustees.

~~(f)~~ (g) Six (6) trustees shall constitute a quorum at any regular or special meeting of the board.

~~(g)~~ (h) The trustees shall serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

SECTION 16. [EFFECTIVE JULY 1, 2004] (a) As used in this SECTION, "universities" refers to Indiana University, Purdue University, Ball State University, Indiana State University, Vincennes University, Ivy Tech State College, and the University of Southern Indiana.

(b) The employees of the universities who hold the rank of assistant professor or higher shall elect the initial faculty trustee members added by this act not later than March 1, 2005.

(c) Notwithstanding any provision of this act, the terms of each of the faculty members elected to the boards of trustees of the universities under this act begin July 1, 2005.

(d) This SECTION expires July 1, 2005.

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